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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,078	08/04/2003	Carl P. Decicco	PH-7477-NP	5245

23914 7590 04/17/2008  
LOUIS J. WILLE  
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PATENT DEPARTMENT  
P O BOX 4000  
PRINCETON, NJ 08543-4000

EXAMINER
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ROYDS, LESLIE A

ART UNIT	PAPER NUMBER
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1614

NOTIFICATION DATE	DELIVERY MODE
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04/17/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/634,078	8/4/2003	DECICCO ET AL.	PH-7477-NP

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**EXAMINER**

Leslie A. Royds

ART UNIT	PAPER
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1614	20080409
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DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

**NOTICE OF NON-RESPONSIVE AMENDMENT**

Applicant's response filed January 30, 2008 to the requirement for restriction/election dated January 15, 2008 has been received and entered into the present application. Applicant states the election of Group I (claims 1-7), directed to compounds of formula (I) or a stereoisomer or pharmaceutically acceptable salt thereof and a pharmaceutical composition thereof, and the election of the compound of "Example 2" as the single species of compound for examination on the merits.

However, Applicant's election fails to comply with the requirements set forth at pages 3-6 of the requirement for restriction/election dated January 15, 2008 for the following reasons:

- (1) Applicant's election of the specie of "Example 2" is non-compliant because Example 2 contains multiple reaction steps and the compounds formed thereby such that the Example encompasses multiple species of compound(s). Accordingly, it is not clear which single disclosed specie of compound Applicant intends to elect for examination on the merits;
- (2) Should Applicant intend to elect a stereoisomeric compound of Example 2, then Applicant must also clearly provide the chemical name of the elected compound if the elected compound falls within those species listed in instant claim 6;
- (3) Applicant has failed to provide a structural depiction of the single species of compound elected for examination on the merits as required at both page 3 and page 5 of the requirement, and has also failed to clearly define the identities of each R-group substituent of the core structure appropriate to the species elected for examination as required at page 5 of the requirement; and
- (4) Applicant has also clearly failed to identify the claims that are readable on the elected species as required at pages 5-6 of the previous Office Action.

Applicant is advised that a proper response to this reply will reiterate the group elected for examination and clarify the single disclosed specie of compound of formula (I) elected for examination on the merits. Note also that Applicant is required in reply to this notice to provide a statement of the claims readable on the elected invention, a structural depiction of the elected compound and identification of each R-group contained within the elected species for examination. Failure to comply with these instructions will again render the reply non-compliant.

Since the above-mentioned response appears to be a bona fide attempt to reply, Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction, as well as a proper response to the previous Office Action, in order to avoid abandonment. Extensions of this time period under 37 C.F.R. 1.136(a) are available.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Leslie A. Royds, whose telephone number is (571)-272-6096. The Examiner can normally be reached Monday through Friday, 9:00 AM to 5:30 PM. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Ardin H. Marschel, can be reached on (571)-272-0718. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

/Ardin Marschel/  
Supervisory Patent Examiner, Art Unit 1614

/Leslie A. Royds/  
Patent Examiner, Art Unit 1614